

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 1459 of 1994

with

CIVIL APPLICATION No 3154 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

GOVIND JAKHU & CO

Appearance:

MR AD OZA, GP for the appellants
MR KG SUKHWANI for Respondent

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE K.M.MEHTA

Date of decision: 10/10/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

Upon matter being called out, learned Government Pleader Mr. D.D.Oza appeared for the appellant and learned Mr K.G.Sukhwani appeared for the respondent. A copy of the Government's letter dated 24.4.99 addressed to the respondent-plaintiff issued by the Executive Engineer and a copy of the letter given by the original plaintiff firm to the appellant State and a copy of the notarized undertaking dated 30th April, 1999 given by the respondent plaintiff to the appellant-State of Gujarat have been placed on record.

Pursuant to the agreement and the resultant settlement between the parties and in terms of the undertaking, permission to withdraw the Special Civil Suit No.233/89 filed before the Civil Judge (S.D.), Ahmedabad Rural, Mirzapur, is sought. After considering the submissions of the learned advocates appearing for the parties and the settlement and the undertaking between them, permission to withdraw the suit unconditionally, in view of the peculiar facts and special circumstances is granted, as a result of which the impugned decree and the judgment dated 27.5.94, passed by the Civil Judge, (S.D.), Ahmedabad Rural in the said civil suit shall stand quashed and set aside. The appeal shall stand accordingly disposed of without any order as to costs. Pursuant to the undertaking and the agreement between the parties, further action, obviously, shall follow.

In view of the order in the main appeal, the Civil Application shall also stands disposed of. Rule discharged.

(J.N.Bhatt, J.)

(K.M.Mehta, J.)

(vjn)